

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:23-mj-2188 JSD
)	
JARED LUTHER OWENS,)	
)	
Defendant.)	

MOTION FOR PRE-TRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Anthony L. Franks, Assistant United States Attorney for said District, and moves the Court to order Defendant JARED LUTHER OWENS detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant OWENS's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Title 18, United States Code, Section 3142(g) provides factors that the Court must consider in determining whether to order Defendant detained pending trial. These factors include: (a) the nature and circumstances of the offense charged; (b) the weight of the evidence against Defendant; (c) Defendant's criminal history and characteristics; and (d) the danger that would be posed by Defendant's release to any particular individual or the community as a whole.

2. Defendant is charged with multiple offenses including Count One: Obstruction of Law Enforcement During Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3); Count Two: Assault Law Enforcement Officer with a Deadly or Dangerous Weapon,

Attempt, in violation of Title 18, United States Code, Sections 111(a)(1) and (b), and Title 18, United States Code, Section 2; Count Three: Enter or Remain in any Restricted Building or Grounds Without Lawful Authority, in violation of Title 18, United States Code, Section 1752(a)(1); Count Four: Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2); Count Five: Engaging in Physical Violence in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(4); Count Six: 40 U.S.C. § 5104(e)(2)(D) – Disorderly Conduct on Capitol Grounds or in an of the Capitol Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(D); Count Seven: Engaging in Physical Violence in the Capitol Grounds or any of the Capitol Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F); and Count Eight: Parade, Demonstrate, or Picket in any of the Capitol Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(G). This charges stem from Defendant’s conduct on January 6, 2021, in the District of Columbia. OWENS’s co-defendant, JASON WILLIAM WALLIS (“WALLIS”), is also charged with the same offenses.

3. On January 6, 2021, OWENS and WALLIS entered the restricted area from the west and joined other rioters on the Northwest side of the U.S. Capitol. At this area, U.S. Capitol Police officers in riot gear clashed with rioters on the lawn on the Northwest side of the U.S. Capitol. Some of the officers attempted to detain a rioter on the ground. Rioters shouted at the officers to let the rioter go, and the rioters pushed towards the officers. The officers fell back from the rioters and walked on the lawn towards the east, along the north side of the Capitol. OWENS and WALLIS approached the officers and followed them to the east. While walking, OWENS and WALLIS screamed at U.S. Capitol Police officers who were walking towards a concrete plaza on the Northeast side of the Capitol.

4. The officers reached the concrete plaza at the Northeast corner of the Capitol. OWENS and WALLIS were directly behind some of the officers as they entered the concrete plaza and walked up a flight of stone stairs. OWENS and WALLIS yelled and screamed at the officers, making statements such as “coming up the stairs with you there or not”.

5. The officers moved bike racks to form a barricade that would prevent rioters from getting closer to the Capitol. This barricade was formed at the top of a set of concrete stairs on the Northeast corner of the Capitol. OWENS and WALLIS were directly at the bike rack barricade. An officer used a baton to try to keep the rioters from grabbing and shoving the barricades. WALLIS grabbed one end of a bike rack and lifted it off the ground. OWENS then grabbed onto the barricade, and with WALLIS, shoved the barricade into the line of officers. The line of officers raised their arms and hands in defense to keep the barricade from striking them in their heads and torsos, but the officers’ hands took the blow as the barricade came to a stop and rested on top of another barricade in front of the officers. The officers pushed the barricade back and off of the barricade that was on the ground already so it sat level with the other barricades on the ground. OWENS and WALLIS then walked further east past the end of the bike rack barricade, and they entered the East Plaza.

6. U.S. Capitol Police Officer K.B. was at the bike rack barricades on the Northeast corner of the U.S. Capitol at the top of the concrete stairs. This is the same location where OWENS and WALLIS lifted and shoved the barricade into the officers. Officer K.B. stated she was initially detailed to the West front of the U.S. Capitol, and she was in full riot gear. Officer K.B. and her squad had to fall back to the East front near the Senate Carriage Door. The officers were completely surrounded by the crowd. They walked to the top of the stairs and were able to stand in a line behind barricades that were positioned at the top of the stairs. Officer K.B. said that she

and other officers were hit with barricades that the rioters shoved and threw into the officers. Officer K.B. was hit with a barricade and sustained a fracture to her right hand/wrist and was placed in a hard cast for seven weeks. Officer K.B. remembered seeing a tall white male as the individual who threw the bike rack. Officer K.B. also gave an previous interview to an FBI Washington Field Office agent on January 10, 2021, regarding the rioter who picked up the barricade, and she described the individual as a white male, 6'04" in height and weighing approximately 250 pounds. WALLIS's driver's license information from 2021 states that he is a white male, height of 6'04" and weight of 230 pounds. Officer K.B. also told the Washington Field Office agent that she and the other officers were sprayed with chemical irritants while they continued to hold the line and perform their duties.

7. After the contact with officers at the Northeast corner of the U.S. Capitol, OWENS and WALLIS were on the East front of the U.S. Capitol. They attempted to enter the U.S. Capitol through the Senate Carriage Door on the East side of the U.S. Capitol Building, but officers blocked the entrance. OWENS and WALLIS returned to the West side of the Capitol. They entered the U.S. Capitol at approximately 2:46 p.m. through the Senate Fire Door. At approximately 3:07 p.m., WALLIS exited the U.S. Capitol through a door on the North side of the Capitol.

8. Inside the Capitol, OWENS approached U.S. Capitol Police officers who had formed a line in front of 15-20 rioters. A U.S. Capitol Police officer saw OWENS break through the police line and push another U.S. Capitol Police officer up against a wall. After seeing the assault of the other officer, Officer D.T. detained OWENS. The officer took OWENS to an exit, released OWENS from handcuffs and allowed him to exit through the Senate Carriage Door. OWENS exited the U.S. Capitol at 3:02 p.m.

9. OWENS has a significant criminal history, including:
 - a. On July 29, 2015, OWENS was charged for a felony count of Distribution/Delivery/Manufacture Controlled Substance, in violation of Missouri State Statute 195.211. This was case number 1531-CR04895 in Greene County Circuit Court, Missouri. On June 23, 2017, OWENS pled guilty and sentenced to three (3) years confinement, concurrent with other existing sentences.
 - b. On May 5, 2016, OWENS was charged with a felony count of Possession of Controlled Substance, in violation of Missouri State Code 195.202. This was case number 16WE-CR00343 in Webster County Circuit Court, Missouri. On May 24, 2016, OWENS pled guilty and was sentenced to five years probation (SIS) and 150 hours community service. On July 7, 2016, a probation violation was filed. On January 9, 2017, OWENS admitted to the violation of his probation. His term of probation was revoked and OWENS was sentenced to three (3) years imprisonment.
 - c. On July 2, 2016, OWENS was charged with a felony count of Possession of Controlled Substance, in violation of Missouri State Code 195.202. This was case number 16AL-CR00811-01 in Howell County Circuit Court-West Plains. On July 28, 2017, OWENS pled guilty to this charge and was sentenced to four (4) years confinement.
 - d. On December 12, 2016, OWENS was charged with a felony count of Dist/Del/Manf/Produce or Attempt to or Possess with intent to Dist/Del/Manf/Produce a Controlled Substance, in violation of Missouri

State Code 195.211, This was case number 16AL-CR01613 in Howell County Circuit Court -West Plains, Missouri. He was arrested on March 15, 2017. On July 28, 2017, OWENS pled guilty and was sentenced to five (5) years imprisonment. He was placed on field supervision on October 29, 2018, and released from supervision on October 28, 2020.

- e. OWENS has also been convicted of Trespassing – 2nd Degree, and sentenced to a fine on September 14, 2005 in Reynolds County, Missouri, case number 990111210. He was also convicted of DWI/Alcohol, a misdemeanor, on July 18, 2012, in the Texas County Circuit Court in Houston, case number 12TECR00337, and sentenced to two years' probation.

10. The facts and circumstances of this offense, along with Defendant's criminal history, demonstrate that there is no condition or combination of conditions that would assure either the public's safety or Defendant's appearance if he was released pending trial.

WHEREFORE, the Government requests that this Court order Defendant detained prior to trial, and further order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

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